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**REMARKS**

The present response is to the Office Action mailed in the above-referenced case on October 04, 2005. Claims 16, 18, 19 and 21 are presented for examination. The Examiner has rejected claims 16 under 35 U.S.C. 112, first paragraph. Claims 16, 18, 19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Wicks et al. (USPN 5,796,394) hereinafter Wicks.

Applicant herein provides detailed arguments clearly showing where the reference of Wicks fails to teach or suggest all of the limitations as claimed in applicant's invention. Claims are amended for proper format only and to overcome the 112 rejection. Applicant reproduces claim 16 for reference;

*16. A system for delivering emails to a user, comprising:*

*a network-connected server for receiving and processing the emails;*  
*a data base at the network server for storing user preferences used by the network-connected server for processing the emails;*  
*a wireless transmission facility in communication with the network-connected server, for transmitting the emails; and*  
*a portable playback device enabled for connection to a user computer and receiving the emails transmitted by the transmission facility and to display the emails as text to the user;*  
*wherein the server transmits emails to the user computer for download to the portable device via the network while the device is connected to the user computer, and upon disconnection of the portable device from the user computer the wireless transmission facility is instructed by code sent from the user computer to transmit the emails directly to the portable device.*

The Examiner equates the base station 108 of Wicks with the network-connected server as recited in line 2 of the claim. The Examiner equates the claimed portable

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playback device of applicant's invention with the handheld communication device of Wicks. Applicant specifically claims that the server transmits emails to the user computer for download to the portable playback device via the network while the device is connected to the user computer, and upon disconnection of the portable device from the user computer the wireless transmission facility is instructed by code sent from the user computer to transmit the emails directly to the portable device.

Applicant argues that the hand held communication devices of Wicks 110, 113, 120 and 126 are voice telephones with the capability of receiving voice messages and sending instruction to the base station to route emails to a device capable of receiving and displaying the emails i.e. a desktop computer (col. 5, lines 20-64). The hand held device of Wicks is clearly not capable of receiving and displaying text emails independently from other devices as claimed. The Examiner refers to col. 9, lines 22-26 of Wicks to teach said capability. Applicant points out that said portion refers to display screen capabilities of base station 108, not a portable playback device as claimed.

Wicks teaches receiving multimedia communications from outside network(s) at a base station at the customer premises. The emails may be directly accessed and routed via a 12 key pad on the base station. Alternatively, Wicks teaches that the 12 keypad on the handheld communication devices may also control and route the emails in the same manner. In the art of Wicks the hand held device *must* be docked at the device slated to receive the emails, directly control the base station to route the email via wireless radio communication or rules must be input to the base station for routing via the 12 keypad on the base station or hand held communication device. Receiving the email at Wicks' hand held communication device is not an option.

Applicant's invention teaches and claims that the computer is the default receiving device when the portable playback device is connected. When disconnected, the computer instructs the server to send the email directly to the portable playback device. Applicant argues that Wicks teaches an architecture where the email is sent to the device that the hand held unit is docked to, or the hand held unit instructs the server or base station which device to route the email to via a 12 key pad. Applicant claims a portable

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playback device that automatically receives and plays back received email when not docked at a playback device. Clearly, Wicks fails to teach the portable playback device and the communication architecture as claimed.

Applicant argues that Wicks fails to teach applicant's invention, as claimed, and the 102 rejection fails. Claims 16 and 19 are clearly patentable over the art of Wicks as argued above. Claims 18 and 21 are patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims standing for examination have been shown to be patentable over the art of record, applicant respectfully requests reconsideration after Final, and that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully submitted,  
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